

**Congress of the United States**  
**Washington, DC 20515**

June 4, 2020

The Honorable Joseph J. Simons  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Chairman Simons:

We write to urge the Federal Trade Commission (FTC) to exercise its authority to prevent “unfair or deceptive acts or practices” and stop the misleading and harmful advertisement of disposable wet wipes as “flushable.”<sup>1</sup>

Wipes advertised as flushable have long posed issues for public works and wastewater authorities. In 2015, the *New York Times* reported, “wet wipes, long used for baby care, have grown popular with adults. Some of the products are branded as ‘flushable’ — a characterization contested by wastewater officials and plaintiffs bringing class-action lawsuits against wipes manufacturers for upending their plumbing.”<sup>2</sup> According to Public Works Commissioner Candice Miller in Macomb County, Michigan, “these things combine together in our systems and cause huge problems.”<sup>3</sup> Just in the last two years, Macomb County was forced to spend \$100,000 to remove two massive clogs of wipes from its sewer system.<sup>4</sup>

The COVID-19 pandemic has exacerbated this problem. The increased use of wipes to practice proper hygiene has regrettably resulted in more clogs and threats to our infrastructure, due to this false advertising. Wipes are clogging home toilets and sewage pumps more frequently and municipal facilities are similarly noticing an uptick.<sup>5, 6, 7</sup> At one facility in Macomb County, according to Commissioner Miller, about 1,000 lbs. of wipes are typically removed per week; during the pandemic, that number has quadrupled to about 4,000 lbs. per week.<sup>8</sup> This increase is not unique to Michigan; the *New York Times* reported in March that “across the country — in Charleston, S.C.; northeastern Ohio; Lexington, Ky.; Austin, Texas; and Spokane, Wash. —

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<sup>1</sup> 15 USC §45.

<sup>2</sup> Flegenheimer, Matt. “Wet Wipes Box Says Flush. New York’s Sewer System Says Don’t.” *New York Times*. March 13, 2015.

<sup>3</sup> Hall, Christina. “Macomb County public works boss to sue companies that make disposable wipes.” *Detroit Free Press*. May 6, 2020.

<sup>4</sup> *Ibid*.

<sup>5</sup> Carter, Tim. “Flushable wipes are terrible for plumbing.” *Washington Post*. March 26, 2020.

<sup>6</sup> Ryan, Carolyn. “Sewer systems strained as people shelter in place.” *CBS*. May 17, 2020.

<sup>7</sup> “Mayor: Flushed wipes are clogging Newburyport sewer system.” *Newburyport News*. April 22, 2020.

<sup>8</sup> Hall, Christina. “Macomb County public works boss to sue companies that make disposable wipes.” *Detroit Free Press*. May 6, 2020.

wastewater treatment officials have beseeched residents not to flush wipes down the toilet using the hashtag #WipesClogPipes.”<sup>9</sup>

The issues plaguing homeowners and wastewater officials across the country make clear that statements marketing disposable wipes as flushable are demonstrably false. Wipes that have been flushed are forcing cities and counties nationwide to deal with the tremendous expense of fixing preventable clogs in their wastewaters systems when local finances have already been stretched thin due to pandemic response activities. They have also posed a danger to our constituents: on March 30, 2020, the U.S. Environmental Protection Agency (EPA) issued a press release urging Americans not to flush wipes and noting the potential harm not just to wastewater infrastructure, but also to human health.<sup>10</sup> EPA warned:

“Preventable toilet and sewer backups can pose a threat to human health and present an extra challenge to our water utilities and their workforce. Flushing anything other than toilet paper, including disinfecting wipes, can damage internal plumbing, local sewer systems and septic systems. Fixing these backups is costly and takes time and resources away from ensuring that wastewater management systems are otherwise working properly...Having fully operational wastewater services is critical to containing COVID-19 and protecting Americans from other public health risks.”

The FTC has used its authority to stop deceptive advertisements regarding wipes before: on November 2, 2015, the FTC approved a final consent order with Nice-Pak Products, Inc., directing the company “to stop advertising moist toilet tissue and cloth as flushable or safe for sewer or septic systems unless it can substantiate those claims.”<sup>11</sup> We urge the Commission to take similar action now. We fear that, without FTC action, this advertising will continue to result in costly damage to water infrastructure, strain communities’ budgets, and threaten our constituents’ health.

We thank you for your attention to this matter.

Sincerely,



ANDY LEVIN  
Member of Congress



DEBBIE STABENOW  
United States Senator



GARY C. PETERS  
United States Senator

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<sup>9</sup> [Levenson, Michael. “Americans Coping With the Coronavirus Are Clogging Toilets.” \*New York Times\*. March 21, 2020.](#)

<sup>10</sup> [“EPA Encourages Americans to Only Flush Toilet Paper.” United States Environmental Protection Agency. March 30, 2020.](#)

<sup>11</sup> [“FTC Approves Final Order Requiring Wet Wipe Manufacturer to Substantiate “Flushability” Advertising Claims.” Federal Trade Commission. November 2, 2015.](#)